

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2018

CORAM :

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

Tr.C.M.P. No.574 of 2017
and C.M.P.No.12067 of 2017

R.Abirami

... Petitioner

versus

Vinothkumar

... Respondent

Prayer:- The Petition is filed under Section 24 of C.P.C. praying to withdraw H.M.O.P.No.15 of 2017 from the file of the Sub Court, Pattukottai and transfer the same to the file of the Family Court, Chennai.

For Petitioner : Mr.A.Arulmozhi
For Respondent : Mr.Bala Natarajan

O R D E R

The petitioner/wife in the matrimonial dispute has filed this Transfer Miscellaneous Petition seeking to withdraw H.M.O.P.No.15 of 2017 filed by the respondent/husband under Section 13(1)(i-a) of the Hindu Marriage Act for divorce, pending on the file of Subordinate Court, Pattukottai and transfer the same to the file of Family Court, Chennai.

2. It is stated that the petitioner/wife has also filed M.C.No.485 of 2017, which is pending on the file of the IV Additional Family Court, Chennai.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondent.

4. In paragraph 7 of the affidavit, it is stated that the respondent/husband is presently residing and working at Singapore and the petitioner/wife is residing at Chennai. She expressed her difficulty in travelling since the distance from Chennai to Pattukottai is 421 kms and the travelling time is around 8 hours either through bus or train. She is dependent on her parents for her day to day life and her aged father, who is

having health issues, could not travel with the petitioner. Further it is stated that the petitioner/wife had attended two hearings before the Subordinate Court, Pattukottai but the respondent/husband did not attend those two hearings. Hence, the petitioner/wife sought for the transfer.

5. Considering the grievances expressed by the petitioner and also Section 19(iii-a) of the Hindu Marriage Act, which mandates that the convenience of the wife has to be considered, this Court is inclined to transfer H.M.O.P.No.15 of 2017 from the file of Subordinate Court, Pattukottai to the file of Family Court, Chennai.

6. Accordingly, the Transfer Civil Miscellaneous petition is allowed and H.M.O.P.No.15 of 2017, pending on the file of Subordinate Court, Pattukottai is transferred to the file of IV Additional Family Court, Chennai, to be tried along with M.C.No.485 of 2017. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

rsi

To

1. The Subordinate Judge,
Pattukottai.
2. The IV Additional Family Judge,
Chennai.

+1cc to Mr.A.Arulmozhi, Advocate, S.R.No.15716

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CS/19/04/18